

Davidson County Schools

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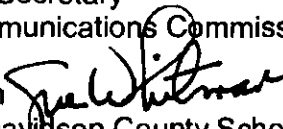
Office of
Superintendent

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July 6, 2006

MEMORANDUM


TO: Office of the Secretary
Federal Communications Commission

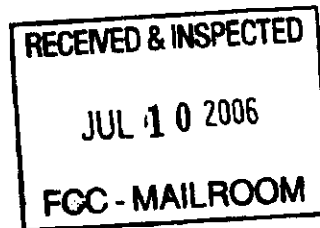
FROM: Sue Whitman 
IT Director, Davidson County Schools

RE: Request for Review of Earlier Decision (DA 02-3257) under new rulings CC Docket No. 96-45 and CC Docket 02-6

On behalf of the Davidson County Schools (Billed Entity 126835), I am requesting that an earlier decision under case #DA 02-3257 be reviewed under the recent ruling with regard to Bishop Perry Middle School and others. Our Funding Year 4 application (236032) was denied due to a failure to timely file the application. We used an electronic PIN for signature which malfunctioned and caused the application to be denied. Our situation fits the definitions set in the Bishop Perry ruling.

I've attached all documentation that was submitted originally along with the FCC ruling document. The Davidson County School system is one of the lowest locally funded school system in the state of North Carolina. We are still recovering from the loss of erate funds for that year. I thank you in advance for any and all consideration you can afford this appeal.

2006 JUL 10 10:00 AM
JABODE 



October 4, 2002

Letter of Appeal

Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

Re: Funding Year 4
Form 471
Billed Entity Number 126835

Dear Sirs:

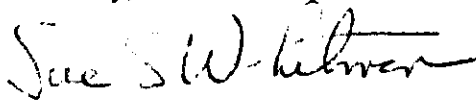
On Friday, July 12, 2002, I called the USAC (Schools and Libraries Division) regarding the status of our erate funding for Year 4. I was informed that our application for funding through form 471 had been denied because the SLD did not receive Block 6 of the electronic certification when it was submitted online. Kathy, an SLD representative, told me that the main form was received, but the "PIN # didn't register electronically" when it was submitted online. The Form 471 was therefore declared null. She further told me that a "pink postcard" was mailed from SLD stating that our requested funding had been denied. I did not receive a pink postcard or any kind of notification, for that matter, that our request for funds had been denied. I was further told that I should have followed the electronic transfer with a phone call to verify that the ENTIRE form was received. No where in the documentation is there mention of phoning for verification. Part of the procedure is to mail a signed copy of Block 6 and this was done. I feel we have been unfairly penalized because of a glitch in the electronic transfer of the 471.

The SLD will not consider my appeal because the appeal letter was dated more than 30 days beyond the "pink postcard's" date of issuance. As I stated earlier, I never received a pink postcard. I believe that we complied fully with the requirements for Form 471. Please consider our Form 471 to be filed in a timely

manner and reconsider the funding. We are one of the lowest locally funded school systems in the state of North Carolina. We are a rural county, but must be considered urban because of our proximity to Greensboro and Winston Salem. We have 5 phone companies operating in our county, which makes it difficult and expensive to orchestrate Internet services. Please, please approve our appeal.

Thank you for your consideration in this manner.

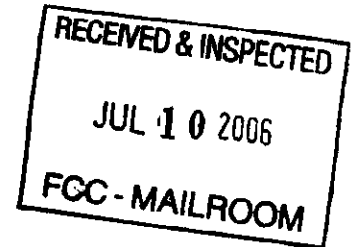
Sincerely,

A handwritten signature in cursive script, reading "Sue S. Whitman". The signature is written in dark ink and is positioned above the typed name.

Sue S. Whitman
IT Director
Davidson County Schools
2065 Holly Grove Road
Lexington, NC 27293
336.249.8182



Federal Communications Commission
Washington, D.C. 20554



Memo

To: Sue S. Whitman, IT Director
Davidson County Schools

From: Mark G. Seifert, Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

Date: December 4, 2002

Re: DA 02-3257, Released November 27, 2002

Please find accompanying this memo the Commission's decision on your Request for Review. The accompanying decision may be referenced in the future by its Proceeding Number and release date: DA 02-3257, November 27, 2002.

If you are not satisfied with this decision, you may file a petition for reconsideration with the Commission within 30 days of the release date of the decision.¹ However, the petition will generally be granted only if it demonstrates an error in the decision based upon (1) facts which relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters; or (2) facts unknown to petitioner until after the Request for Review was filed and which could not, through the exercise of ordinary diligence, have been learned prior to that time.² Petitions for reconsideration are decided by the Wireline Competition Bureau of the Commission.

You may also file an application for review with the Commission if you are displeased with this decision. Your application for review must be filed within 60 days of the release date of the decision pursuant to section 1.115(c) of our rules. Please note that the application for review will not be granted if it relies on questions of fact or law upon which the designated

¹ See 47 C.F.R. § 1.106(f).

² See 47 C.F.R. § 1.106(b)(2).

authority has been afforded no opportunity to pass.³ Applications for review are decided by the full Commission.

Petitions for reconsideration and applications for review should be submitted to the Secretary, Federal Communications Commission, Washington, D.C., 20554, they should reference CC Docket No. 02-6 as well as the Proceeding Number of the decision from which relief is sought, and should otherwise conform to the requirements the Commission's rules.⁴

If you have any questions regarding the foregoing, feel free to contact the Telecommunications Access Policy Division at (202) 418-7400.

³ See *Implementation of Interim Filing Procedures for Filings of Requests for Review*, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Order, FCC-376, 17 FCC Rcd 339 (2002). See 47 U.S.C. § 1.115(c).

⁴ See 47 C.F.R. § 1.106, 1.115.

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Request for Review of the)	
Decision of the)	
Universal Service Administrator by)	
)	
Davidson County Schools)	File No. SLD-236032
Lexington, North Carolina)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: November 26, 2002**Released: November 27, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Davidson County Schools (Davidson County), Lexington, North Carolina.¹ Davidson County seeks review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) to reject Davidson County's appeal on the grounds that it was untimely filed.² For the reasons set forth below, we deny Davidson County's Request for Review.

2. SLD issued an Outside the Window Pink Postcard on July 17, 2001, informing Davidson County that its FCC Form 471 application was submitted after the Funding Year 2000 filing window had closed at 11:59 p.m. EST on January 12, 2000.³ On July 18, 2002, Davidson County filed an appeal of SLD's decision. In its appeal to SLD, Davidson County asserts that it never received such a Pink Postcard.⁴ On September 17, 2002, SLD issued an Administrator's

¹ Letter from Sue Whitman, Davidson County Schools, to Federal Communications Commission, filed October 10, 2002 (Request for Review).

² See Request for Review. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ Outside the Window Pink Postcard from Schools and Libraries Division, Universal Service Administrative Company, to Davidson County Schools, dated July 17, 2001 (Pink Postcard).

⁴ Letter from Sue Whitman, Davidson County Schools, to Schools and Libraries Division, Universal Service Administrative Company, filed July 18, 2002 (Request for Administrator Review).

Decision on Appeal, indicating that it would not consider Davidson County's appeal because it was received more than 30 days after the July 17, 2001 Pink Postcard was issued.⁵ Davidson County subsequently filed the instant Request for Review with the Commission.

3. Davidson County asserts that it did not receive the July 17, 2001 Pink Postcard, and became aware of the decision only after having contacted SLD on July 12, 2002. A review of the record indicates that SLD did issue a Pink Postcard on July 17, 2001. Merely stating that a letter was not received at the address provided to SLD and to which prior correspondence had been successfully mailed is insufficient grounds for reconsideration.⁶

4. For requests seeking review of decisions issued before August 13, 2001, under section 54.720(b) of the Commission's rules, an appeal must be filed with the Commission or SLD within 30 days of the issuance of the decision that the party seeks to have reviewed.⁷ Documents are considered to be filed with the Commission or SLD only upon receipt.⁸ The 30-day deadline contained in section 54.720(b) of the Commission's rules applies to all such requests for review filed by a party affected by a decision issued by the Administrator.⁹ Because Davidson County failed to file an appeal of the July 17, 2001 Pink Postcard within the requisite 30-day appeal period, we affirm SLD's decision to dismiss Davidson County's appeal to SLD as untimely and deny the instant Request for Review.

⁵ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Sue Whitman, Davidson County Schools, dated September 17, 2002 (Administrator's Decision on Appeal).

⁶ See *Request for Review by Whitehall City School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. 145224, CC Dockets No. 96-45 and 97-21, Order, 15 FCC Rcd 15157, n.2 (Com. Car. Bur. 2000); *Juan Galiano*, Memorandum Opinion and Order, 5 FCC Rcd 6442, 6443 (1990) ("[I]f the Commission were to entertain and accept unsupported arguments that letters mailed in Commission proceedings were not delivered... procedural havoc and abuse would result.").

⁷ 47 C.F.R. § 54.720(b).

⁸ 47 C.F.R. § 1.7.

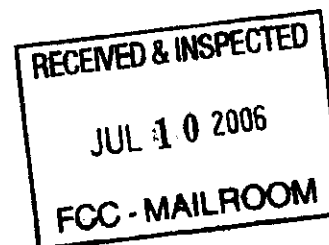
⁹ We note that, due to recent disruptions in the reliability of the mail service, the 30-day appeal period has been extended by an additional 30 days for requests seeking review of decisions issued on or after August 13, 2001. See *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 17 Rcd 339 (2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. December 28, 2001 and January 4, 2002); SLD web site, What's New (January 20, 2002), <<http://www.sl.universalservice.org/whatsnew/012002.asp#extend3ed>>. Because the July 17, 2001 Outside the Window Pink Postcard was issued before August 13, 2001, the extended appeal period does not apply to Davidson County.

5. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Davidson County Schools, Lexington, North Carolina on October 10, 2002 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau



Davidson
County Schools

P.O. Box 2057 • Lexington, NC 27293-2057

TO:

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554